

## **REMARKS**

Claims 1-7 are pending in the application following entry of the amendments herein. Claims 1, 3 and 4 have been amended and new claims 5-7 have been added. No new matter has been added.

The Examiner objected to the drawings and required that corrected drawings be submitted with a response. Corrected drawings are attached. No new matter has been added.

## **ARGUMENTS**

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being obvious based on U.S. Pat. Publication No. 2002/0013943 (Haberman) and U.S. Pat. No. 6,698,020 (Zigmond). Claim 1 recites a method of presenting a digital video comprising the steps of providing potentially viewable video scenes in modules, determining viewer preferences according to categories of viewers and producing alternative scenes having content associated with the viewer preference categories. Claim 1 also recites the step of obtaining information about a particular viewer, in an interactive manner, in order to characterize the viewer as having a personal preference. In response to information obtained interactively, the work is structured and delivered to the viewer such that at least one module contains an alternative scene interspersed with other scenes based on the information obtained interactively from the viewer.

Haberman discloses a method for the simultaneous creation, assembly and transmission of synchronous multiple personalized messages to specific targeted individuals. The personalized message is created by segmenting a message into multiple slots, and providing different selectable segments for each slot. The multiple segments are simultaneously broadcasted to a receiver device that assembles the message in just-in-time fashion for viewing by the individual. Haberman, however, does not disclose a method of presenting a digital work having video scenes in multiple modules in which scenes are structured to include alternate scenes associated with viewer preference categories interspersed with other scenes and delivered to a particular viewer based on information obtained interactively from the viewer.

The necessary teaching of the method of claim 1, lacking in Haberman, is not supplied by Zigmond. Zigmond discloses a method for inserting advertising or other video into video programming feeds at the household level. Zigmond discloses that identifying characteristics of

a viewer may be used to select particular ads for display. Zigmond, however, does not disclose that the identifying characteristics are obtained interactively from the particular viewer. Instead, Zigmond teaches that information about a particular viewer, such as “demographic data” and “hobbies, interests, spending habits, and anticipated major purchases” is retrieved from a “storage location (82)” based on information compiled previously from sources such as “voluntary survey or questionnaire filled out during the registration process.” See, Col. 10, lines 35-39 and col. 10, lines 48-63.

The necessary teaching of claim 1, lacking in Haberman and Zigmond, is only supplied by impermissible hindsight use of applicant’s disclosure. Claim 1, therefore, is not rendered obvious from Haberman and Zigmond.

Claim 2 depends from claim 1 and, therefore, is not obvious based on Haberman and Zigmond for the same reasons as claim 1.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being obvious based on Haberman and U.S. Pat. No. 5,737,527 (Shiels). Claim 3 recites a method for presenting a digital video work for marketing products or services to potential purchasers who can customize the content viewed based on their preferences. A plurality of modules include at least one module in which alternative decisions are presented to the viewer allowing the viewer to determine the order in which subsequent modules will be presented. Neutral scenes having content that is not dependent on the order of the module are interspersed with alternative scenes having content appropriate to the relative order in which the module viewed.

Haberman, discussed above, discloses a method for the simultaneous creation, assembly and transmission of synchronous multiple personalized messages to specific targeted individuals. As acknowledged by the Examiner, Haberman does not disclose a method of presenting a digital work having multiple modules in which the viewer is enabled to determine order in which modules will be viewed.

The necessary teaching of the claimed method, lacking in Haberman, is not provided by Shiels. Shiels discloses a method of presenting a branched narrative (Fig. 6) that includes branching node points (A-G) where the viewer decides between alternate narrative paths and combining nodes (H, J, K) where paths recombine. Although differing narrative paths may be

chosen (i.e., differing stories may be viewed), the order in which story segments are presented to a viewer along any given pathway is not varied by the viewer (e.g., nodes E and F will always be reached after node D and nodes H and J will always be reached after node E). In other words, the user determines the path and the associated narrative content, but the order in which that content is presented to the user cannot be changed by the viewer. Therefore, Shiels does not disclose a method of presenting a digital work having multiple modules in which the viewer is enabled to determine the order in which modules will be viewed, as required by claim 3.

The necessary teaching of claim 3, therefore, is not provided by Haberman and Shiels. Claim 3, therefore, is not rendered obvious from Haberman and Shiels.

In addition, neither Haberman nor Shiels discloses or suggests that modules of a digital work include neutral scenes that are not dependent on module order and alternate scenes that are dependent on module order and that are interspersed with the neutral scenes as appropriate for the module order. For this additional reason, therefore, claim 3 is not obvious based on Haberman and Shiels.

Claim 4 depends from claim 3 and, therefore, is not obvious based on Haberman and Shiels for the same reasons as claim 3.

For the foregoing reasons, the applicant respectfully requests that the rejection of claims 3 and 4 based on Haberman and Shiels be withdrawn.

New claim 5 recites a method for presenting digital video information used for marketing products or services to a potential purchaser who can customize the content viewed based upon interactive viewer choices. A plurality of viewable scenes providing information about attributes of products or services are delivered in a plurality of modules. The scenes include scenes providing comprehensive information about the attributes and alternative scenes providing abbreviated information about the attributes. The viewer is enabled to determine the order in which modules are presented. Depending upon module order, the comprehensive information scenes not previously presented are presented to the user and the abbreviated information scenes are presented for attributes previously presented in an earlier module. Support for this new claim appears in the specification in paragraphs [00019] and [00020].

New claim 6 recites a method for presenting digital video information used for marketing products or services to a potential purchaser who can customize the content viewed based upon interactive viewer choices. A plurality of viewable scenes providing information about attributes of products or services are delivered in a plurality of modules. The scenes include basic scenes providing information about attributes of the products or services and alternative scenes, the alternative scenes only presented to the viewer in response to an interactive request by the viewer. New claim 7 depends from claim 6 and recites that for attributes common to more than one product or service, the viewer will not be prompted again regarding the alternative scenes for an attribute if the decision regarding that attribute was made previously. Support for new claims 6 and 7 appears in the specification at paragraphs [0008] and [00020].

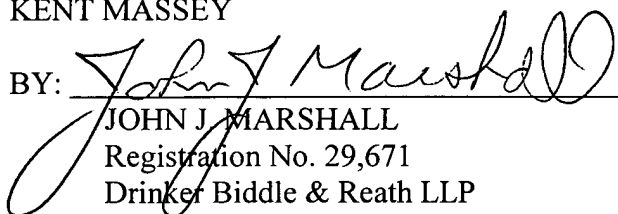
New claims 5-7 are not disclosed or suggested in the prior art. Entry and allowance of claims 5-7 is respectfully requested.

It is submitted that the application is now in condition for allowance. If the Examiner believes that direct communication would advance prosecution, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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**AMENDMENTS TO THE DRAWINGS:**

Attached hereto are two (2) sheets of corrected drawings. Each of the sheets is identified as a "Replacement Sheet" as required by 37 C.F.R. 1.121(d). The figures have been corrected to include reference numbers as required by the Examiner. No new matter has been added.